## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

ction No. 1:11-cv-02308 (RBW)
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## UNITED STATES' NOTICE OF ELECTION TO INTERVENE IN PART AND TO DECLINE IN PART AS TO ONLY DEFENDANT SINGULEX, INC.

Pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4)(B), the United States notifies the Court of its decision to intervene in part and to decline to intervene in part in the allegations asserted in this action with respect to only defendant Singulex, Inc. ("Singulex"), consistent with the settlement agreement ("the Settlement Agreement") executed January 29, 2015, between the United States, relator Chris Riedel ("Relator"), and Singulex. Specifically, the United States intervenes as to those claims asserted by Relator on behalf of the United States and against Singulex that are based on the Covered Conduct as defined in Recitals Paragraph D of the Settlement Agreement. The United States declines to intervene in the remaining allegations asserted by Relator on behalf of the United States and against Singulex. The United States and Relator are filing contemporaneously herewith a Joint Stipulation of Dismissal of Only Defendant Singulex, Inc., providing for the dismissal of all claims against Singulex.

For the reasons set forth in the United States' *Ex Parte* Consent Application for an Extension of Time in Which to Intervene, which was filed on January 29, 2015, the United States requests that this entire action – including this filing and the claims asserted against defendant Singulex – remain under seal to and including March 16, 2015. The requested extension of the

seal period will allow the United States sufficient time to notify the Court of its intervention decision with respect to the other named defendants and permit a single (rather than piecemeal) unsealing of this matter at that time. The United States asks, however, that the seal be partially lifted in order to allow the government to provide a copy of this Notice of Election to Singulex and its counsel.

A proposed Order accompanies the Joint Stipulation of Dismissal of Only Defendant Singulex, Inc., filed contemporaneously herewith.

Respectfully submitted,

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February 6, 2014

Attorneys for the United States of America

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 6th day of February 2015, a true and correct copy of the above and foregoing United States' Notice of Election to Intervene in Part and to Decline in Part as to Only Defendant Singulex, Inc. was served via first-class mail, postage pre-paid on:

Niall P. McCarthy Justin T. Berger Eric J. Buescher Cotchett, Pitre & McCarthy, LLP San Francisco Airport Office Center 840 Malcolm Rd. Burlingame, CA 94010

and

Steven N. Berk Berk Law PLLC 2002 Massachusetts Ave., NW Washington, D.C. 20036

Counsel for Relator

Because this action is under seal pursuant to 31 U.S.C. § 3730, the defendants have not been served with copies of the foregoing.

JENNIFER A. SHORT

Assistant United States Attorney